IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 163 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KABHAIBHAI CHUTHABHAI RATHOD

Versus

NATVARBHAI SHANABHAI PANCHAL DECD. THRO' HEIRS

Appearance:

1. Appeal from Order No. 163 of 2000

MR GIRISH D BHATT for Appellant No.

..... for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1/1

MR DP KINARIWALA for Respondent No. 1/2-1/3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 24/01/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order being aggrieved by the order dated 04/04/2000

passed below application Exh.5 by the learned 4th Joint Civil Judge (S.D.), Nadiad in Special Civil Suit No.89 of 1999, whereby the said application was rejected.

2. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the said suit since the suit is of the year 1999. Moreover, the parties have also agreed to maintain status quo till the suit pending before the said Court is finally disposed of.

3. Therefore, without entering into the merits of the matter, the trial Court is directed to hear and dispose of Special Civil Suit No.89 of 1999 pending before the Court of the learned 4th Joint Civil Judge (S.D.), Nadiad as expeditiously as possible and preferably within a period of one year from the date of receipt of writ of this order.

4. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo till the said suit is finally disposed of.

[K. S. JHAVERI, J.]
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